

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

Fluxo-Cane Overseas Ltd.,)	
)	
Plaintiff,)	Case No. 08-_____
)	
v.)	
)	
E.D. & F. Man Sugar Inc.,)	
)	
Defendant)	
)	

**MOTION TO APPOINT
SUBSTITUTE CUSTODIAN AND KEEPER**

Plaintiff Fluxo-Cane Overseas Ltd., through undersigned counsel, moves for an Order to Appoint a Substitute Custodian for the M/V TINA LITRICO and for reasons states:

1. That on February 8, 2008, the Plaintiff filed a Complaint against E.D. & F. Man Sugar Inc. ("Man Sugar") in personam, praying that the interest of the Defendant in the cargo of the M/V TINA LITRICO be attached and garnished pursuant thereto, up to an amount sufficient to answer Plaintiff's claim, with interest and costs.
2. The M/V TINA LITRICO is currently moored at a location to be identified to the United States Marshal.
3. In the interest of assuring that the vessel and her cargo remain in the hands of a competent person and for the convenience of the vessel, the Plaintiff wishes to have the Master of the vessel appointed by the Marshal as Custodian of the vessel.

WHEREFORE, Plaintiff prays that the Court Order that the Master of the M/V TINA LITRICO be appointed Custodian and Keeper of said vessel and to retain same in his custody for possession and safekeeping.

Dated: February 8, 2008

Respectfully submitted,

By: 

~~H. Allen Black, III (No. 024542)~~

Bryant E. Gardner (*pro hac vice pending*)

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Counsel for Fluxo-Cane Overseas, Ltd.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion to Appoint Substitute Custodian and Keeper was served by first class mail, postage prepaid, on this 8th day of February, 2008, on ED&F Man Sugar, Inc., 2525 Ponce De Leon Boulevard, Suite 1200, Coral Gables, Miami, Florida 33134.

Bryant E. Gardner